

MAR 13 2015

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FORM A WORKING
GROUP TO EXAMINE SMARTER SENTENCING TO IMPROVE THE QUALITY
AND RELIABILITY OF STATE CRIMINAL SENTENCING PRACTICES.

1 WHEREAS, the prison population in the United States has
2 grown tremendously over the past four decades despite the
3 tapering off of crime over the past twenty years, partly due to
4 the imposition of lengthy sentences; and

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6 WHEREAS, the increasing number of individuals imprisoned
7 has led to rising operating costs, community reliance on
8 incarceration, and growing numbers of inmates prematurely
9 released from prison each year; and

10
11 WHEREAS, offender recidivism rates continue to be an issue
12 because many inmates who are released from incarceration are not
13 prepared to lead law-abiding lives and reintegrate into society;
14 and

15
16 WHEREAS, the number of inmates prematurely released has led
17 to a growing sentiment that there is interdependency among
18 participants in the judicial process that needs to be recognized
19 in working with each other and in the decision-making processes
20 regarding offenders; and

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22 WHEREAS, smarter sentencing uses research and science to
23 enhance the decision making ability of criminal justice
24 stakeholders in the selection and application of fair, just,
25 proportionate, and efficient sanctioning goals; and

26
27 WHEREAS, at each decision point during the process of
28 charging an individual with an offense, negotiating and
29 recommending a plea deal, and determining the ultimate sentence,
30 there is an opportunity to use research-based smarter
31 sentencing; now, therefore,

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33 BE IT RESOLVED by the Senate of the Twenty-eighth
34 Legislature of the State of Hawaii, Regular Session of 2015,
35 that the Department of Public Safety is requested to convene a



1 working group to examine the concept of smarter sentencing to
2 improve the quality and reliability of the State's criminal
3 justice sentencing policies and practices; and
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5 BE IT FURTHER RESOLVED that the purpose of the working
6 group is to research:
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- 8 (1) The number of cases over the last ten years in which
9 smarter sentencing principles were applied to the
10 negotiation and recommendation of a sentence;
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- 12 (2) The number of cases over the past ten years in which
13 principles of smarter sentencing were applicable; and
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- 15 (3) Possibilities of designing, implementing, and
16 streamlining a process involving smarter sentencing;
17 and
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19 BE IT FURTHER RESOLVED that the Department of Public Safety
20 is requested to include in the working group:
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- 22 (1) The Chair of the Senate and House of Representatives
23 committees with primary jurisdiction over the
24 Judiciary;
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- 26 (2) The Chair of the Senate and House of Representatives
27 committees with primary jurisdiction over public
28 safety;
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- 30 (3) The county prosecutor of each of the counties of
31 Hawaii, Kauai, and Maui, and the City and County of
32 Honolulu;
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- 34 (4) One public defender to represent the Office of the
35 Public Defender located in each of the counties of
36 Hawaii, Kauai, and Maui, and the City and County of
37 Honolulu;
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- 39 (5) The Attorney General, or the Attorney General's
40 designee;
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(6) Two members appointed by the Chief Justice of the Hawaii Supreme Court;

(7) One representative of the American Civil Liberties Union of Hawaii;

(8) One representative of the Hawaii Civil Rights Commission; and

(9) Four members from the community, to be appointed by the Governor; and

BE IT FURTHER RESOLVED that the working group is requested to select a chairperson from among its members and meet at least five times prior to December 31, 2015; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016; and

BE IT FURTHER RESOLVED that the working group be dissolved on June 30, 2016; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, Director of Public Safety, Prosecuting Attorney of the County of Hawaii, Prosecuting Attorney of the County of Kauai, Prosecuting Attorney of the County of Maui, Prosecuting Attorney of the City and County of Honolulu, Office of the Public Defender, Attorney General, Administrator of the Courts, Executive Director of the American Civil Liberties Union of Hawaii, and Executive Director of the Hawaii Civil Rights Commission.

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